

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---------------------|---|
| Patent Number | 7,311,249 |
| Issue Date | December 25, 2007 |
| First Inventor | Merrill Brooks SMITH |
| Title | System and Method for Conducting a Return Transaction for a PIN-Activated Account |
| Attorney Docket No. | 62941.002006 |

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION FOR
U.S. PATENT NO 7,311,249

In accordance with MPEP 1481.03(B), Patentees respectfully request that the enclosed Certificate of Correct be executed by the attesting Officer and be made part of the record of U.S. Patent No. 7,311,249 ("the '249 Patent").

MEPE 1481.03(B) sets forth three requirements for a proper request to correct priority using a Certificate of Correction. Each is addressed below.

- (A) All Requirements Set Forth in 37 CFR 1.78(a)(1) Must Have Been Met In the Application Which Became the Patent to be Corrected

Patentee respectfully submits that all requirements set forth in 37 C.F.R. 1.78(a)(1) were met in U.S. Patent Application 10/758,429 which became the '249 Patent. Specifically, the '249

Patent and its parent and lineage include at least one overlapping inventor (Merrill Brooks Smith) and the priority claim to the parent application was properly made at the time of filing.

(B) It is Clear from the Record of the Patent and Parent Application(s) that Priority is Appropriate

The record clearly shows that the priority claim was proper and adequate. The transmittal letter sent by applicant properly claimed priority and the Official Filing Receipt partially listed the priority.

The Transmittal Letter Properly Set Forth the Priority Claim

The transmittal letter clearly noted that the '249 Patent was filed as a Continuation-in-Part Patent Application to (i) 10/253,243, filed September 24, 2002; (ii) 10/712,182 filed November 13, 2003; (iii) 10/655,828, filed September 5, 2003; (iv) 10/698,084, filed November 3, 2003; (v) 10/411,971 filed April 11, 2003, and (vi) 10/732,641 filed December 10, 2003; and (vii) 10/739,301 filed December 19, 2003 (noted in the Transmittal Letter as "the application filed on December 19, 2003 under Attorney Docket No. 64243.000005"). The transmittal letter is attached hereto as Exhibit A.

The continuation-in-part status of the '249 Patent is clearly set forth in the Transmittal Letter. Paragraph 18 sets forth the following:

18. ☐ Continuation ☐ Divisional ☒ Continuation-in-Part of:
10/253,243, filed September 24, 2002, 10/712,182 filed November 13, 2003,
10/655,828 filed September 5, 2003, 10/698,084 filed November 3, 2003,
10/411,971 filed April 11, 2003, 10/732,641 filed December 10, 2003 and the
application filed on December 19, 2003 under attorney Docket No.
64243.000005.

The Official Filing Receipt Partially Recognized the Priority Claim

The Official Filing Receipt partially recognized the status of the '249 Patent as a Continuation-in-Part Patent Application of the previous applications, noting under **Domestic Priority data as claimed by applicant:**

Domestic Priority data as claimed by applicant

This application is a CIP of 10/253,243 09/24/2002
which claims benefit of 60/324,333 09/24/2001
and claims benefit of 60/396,404 07/15/2002
This application 10/758,429
claims benefit of 60/519,630 11/14/2003
and claims benefit of 60/519,629 11/14/2003

The Official Filing Receipt is attached hereto as Exhibit B.

(C) A Grantable Petition to Accept an Unintentionally Delayed Claim for Benefit of a Prior Application Is Filed Herewith, including the Surcharge

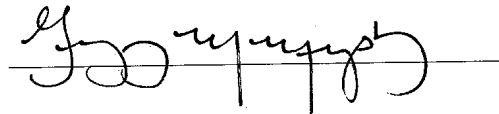
A Petition under 37 CFR 1.78(a)(3) is filed herewith setting forth (i) the statement as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2); (ii) the surcharge as required under 37 CFR 1.17(t); and (iii) a statement that any delay was unintentional.

* * *

Based on the above, Applicants respectfully request that the Certificate of Correction filed herewith be executed by the attesting Officer and be made part of the record of U.S. Patent No. 7,311,249.

Dated: October 6, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory M. Murphy", is written over a horizontal line.

Gregory M. Murphy, Reg. No. 52,494

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(T) 804.971.7729 (F) 804.767.3416

LANDMARK INTELLECTUAL

PROPERTY LAW, PLLC

P.O. Box 1266

Midlothian, Virginia 23113

EXHIBIT A

**HUNTON &
WILLIAMS**

INTELLECTUAL PROPERTY DEPARTMENT
HUNTON & WILLIAMS LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

THOMAS D. BRADSHAW
DIRECT DIAL: (202) 955-1603
EMAIL: TBRADSHAW@HUNTON.COM

FILE NO: 64243.000006

January 16, 2004

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: **64243.000006**

First Named Inventor: **Merrill Brooks SMITH, et al.**

Title: **SYSTEM AND METHOD FOR CONDUCTING A REFUND TRANSACTION
FOR A PIN-ACTIVATED ACCOUNT**

Customer No. **27682**

TO: **MAIL STOP PATENT APPLICATION**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. ☒ Fee Transmittal Form (original and duplicate)
2. ☒ Small Entity Status Claimed: ☐ Independent Inventor
☒ Small Business Concern
☐ Non-Profit Organization
☐ Statement Enclosed
☐ Statement Filed in Prior Application; Status Still Proper and Desired
3. ☒ Specification - Total Pages: 27 (Including Abstract)

MAIL STOP PATENT APPLICATION

January 16, 2003

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| CLAIMS AS FILED | | | | | | |
|---|--------------|------------------|-------|--------------|--------------|-------------------|
| | Claims Filed | Basic Fee Claims | Extra | Rate | | Amount |
| | | | | Large Entity | Small Entity | |
| Total Claims | 70 | 20 | 50 | \$ 18.00 | \$ 9.00 | \$450.00 |
| Independent Claims | 8 | 3 | 5 | \$ 86.00 | \$ 43.00 | \$215.00 |
| First Presentation of Multiple Dependent Claims | | | | \$ 290.00 | \$ 145.00 | \$ 0.00 |
| BASIC FEE | | | | \$ 770.00 | \$ 385.00 | \$385.00 |
| TOTAL FILING FEE | | | | | | \$1,050.00 |
| Assignment Recordation Fee | | | | | | \$ 40.00 |
| TOTAL AMOUNT | | | | | | \$1,090.00 |

4. ☒ Drawings - Total Sheets: 2 (Fig(s). 1-2)

5. Oath or Declaration - Total Pages: 3

a. ☒ Newly executed (original or copy)
☐ New (unexecuted)

b. ☐ Copy from a prior application
(for continuation/divisional with Box 18 completed)

i. ☐ **DELETION OF INVENTOR(s):**
Signed statement attached deleting inventor(s) named in prior application.

6. ☐ Application Data Sheet

7. ☐ CD-ROM or CD-R in duplicate, large table or Microfiche Computer Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. ☐ Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (two copies); or

MAIL STOP PATENT APPLICATION

January 16, 2003

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- ii. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statements verifying identity of above copies
9. ☒ Assignee/Applicant: **e2interactive, Inc. d/b/a e2Interactive, Inc.**
250 Williams St., Suite M-100, Atlanta, GA 30303
- ☒ Assignment and Assignment Recordation Form Submitted Herewith
- ☐ Assignee of Record in Prior Application No. _____:

recorded on _____ at Reel _____, Frame _____.
10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement with PTO-1449 and References
- ☐ Copies of Information Disclosure Statement Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard
15. ☒ Priority is Claimed as Follows:
This application claims priority to U.S. Application No. 10/253,243 filed September 24, 2002, which claims priority to U.S. Provisional Application No. 60/324,333 filed September 24, 2001 and U.S. Provisional Application No. 60/396,404 filed July 15, 2002. This application also claims priority to U.S. Application No. 10/712,182 filed November 13, 2003, U.S. Application No. 10/655,828 filed September 5, 2003, and U.S. Patent Application No. 10/698,084 filed November 3, 2003. This application also claims priority to U.S. Application No. 10/411,971, filed April 11, 2003, which claims priority to U.S. Application No. 09/641,363 filed August 18, 2000, now issued U.S. Patent No. 6,575,361, which claims priority to U.S. Provisional Application No. 60/149,740 filed August 19, 1999. This application also claims priority to U.S. Application No. 10/732,641 filed December 10, 2003 and U.S. Application filed on December 19, 2003 under Attorney Docket No. 64243.000005.

MAIL STOP PATENT APPLICATION

January 16, 2003

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- ☒ Also claims benefit of the following U.S. Provisional Application No(s):

60/519,630, filed November 14, 2003 and 60/519,629, filed November 14, 2003

- ☐ If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith

16. ☐ Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach Form PTO/SB/35 or its equivalent.

17. ☐ Other: _____

18. ☐ Continuation ☐ Divisional ☒ Continuation-in-Part of:
10/253,243, filed September 24, 2002, 10/712,182 filed November 13, 2003,
10/655,828 filed September 5, 2003, 10/698,084 filed November 3, 2003,
10/411,971 filed April 11, 2003, 10/732,641 filed December 10, 2003 and the
application filed on December 19, 2003 under attorney Docket No.
64243.000005.

Prior application information: Examiner _____ Group Art Unit _____

- ☐ Incorporation By Reference (useable if Box 5b is marked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application papers.

- ☐ Complete Application Based on Provisional Application No(s):

MAIL STOP PATENT APPLICATION

January 16, 2003

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19. Please address all correspondence to:

☒ **CUSTOMER NUMBER 27682**

J. Michael Martinez de Andino, Esq.
HUNTON & WILLIAMS
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074
Tel: (804) 788-8200
Fax.: (804) 788-8218

20. ☒ A check in the amount of \$ 1,090.00 is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any such variance to **Deposit Account No. 50-0206**.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 50-0206**.

Respectfully submitted,

By:

Thomas O. Bradshaw

Thomas D. Bradshaw

Registration No. 51,492

TDB:cdh
Enclosures

EXHIBIT B

APR 20 2004

e2
06

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/758,429 | 01/16/2004 | 2876 | 1050 | 64243.000006 | 2 | 70 | 8 |

CONFIRMATION NO. 5641

FILING RECEIPT



OC000000012462413

27682

J. MICHAEL MARTINEZ DE ANDINO ESQ.
HUNTON & WILLIAMS
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND, VA 23219-4074

Date Mailed: 04/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Merrill Brooks Smith, Atlanta, GA;
Phillip Craig Graves, Atlanta, GA;

Assignment For Published Patent Application

e2interactive, Inc. d/b/a e2Interactive, Inc., Atlanta, GA;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/253,243 09/24/2002
which claims benefit of 60/324,333 09/24/2001
and claims benefit of 60/396,404 07/15/2002
This application 10/758,429
claims benefit of 60/519,630 11/14/2003
and claims benefit of 60/519,629 11/14/2003

Foreign Applications

If Required, Foreign Filing License Granted: 04/27/2004

Projected Publication Date: 08/05/2004

Non-Publication Request: No

DOCKETED

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and method for conducting a refund transaction for a pin-activated account

Preliminary Class

235

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).